

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1802 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ASSOCIATED GUM INDUSTRIES

Versus

GUJARAT ELECTRICITY BOARD & ANR.

Appearance:

MR SH SANJANWALA for Petitioner

MR KAUSHAL THAKER for Respondents No.1 and 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/10/96

ORAL JUDGEMENT

1. The petitioner filed this Special Civil Application before this Court challenging thereunder the supplementary bill and the demand made therein of charges of Rs.100704-50. The aforesaid demand has been challenged by the petitioner by way of raising a dispute before the appellate committee. It appears that the appellate committee has granted some relief to the petitioner and the supplementary energy consumption bill

(revised) has been issued and therein demand of Rs.65704-50 against theft of energy detected on 27th August, 1974 has been made.

2. One of the contention raised by the learned counsel for the petitioner is that the appellate authority acting as a quasi judicial authority while deciding the appeal filed by the petitioner under the statutory provisions is bound to give its reasons. Merely mentioning the fact that it has decided to revise the bill at normal tariff for double the entire consumption from date of installation of C.T. Type meter to the date of checking is not sufficient.

3. The counsel for the respondents has fairly conceded that the appellate authority has not given any reasons in support of its order.

4. Both the counsel for the parties are in agreement that the matter may be sent back to the appellate authority to decide the matter afresh after hearing the petitioner and in case, the appeal is not acceptable to pass a reasoned order.

5. On the agreement of the counsel for the parties, this Special Civil Application is disposed of in terms that the appellate authority to which the appeal has been filed by the petitioner under the provisions of clause 34 as aforesaid shall decide the appeal afresh after giving an opportunity of personal hearing to the petitioner, and in case, the grievance of the petitioner is not accepted, then a reasoned order may be passed and a copy of the same may be sent to the petitioner. The appellate authority shall decide the matter afresh within a period of four months from the date of receipt of certified copy of this order. However, till the matter is decided afresh, the interim relief which has been granted by this Court shall continue. Rule stands disposed of in the aforesaid terms with no order as to costs.

zgs/-